**VICTORIA ROAD SURGERY**

**50 VICTORIA ROAD WORTHING BN11 1XE**

**Telephone: (01903) 230656**

 **Dr Navdeep Sandhu, Dr Mohammed Haque, Dr Eugenie McCreanor, Dr Kenneth Lim**

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Bottom of Form



**SUBJECT ACCESS REQUEST: PATIENT INFORMATION**

You have the right to find out if an organisation is using or storing your personal data. This is called the right of access. You exercise this right by asking for a copy of the data, which is commonly known as making a ‘subject access request’.

How to access your data:

You can make a subject access request to obtain copies of your medical record

You can make a subject access request verbally or in writing. If you make your request verbally, we recommend you follow it up in writing to provide a clear trail of correspondence. It will also provide clear evidence of your actions.

To exercise your right of access, follow these steps:

Step 1

* Identify where to send your request.
* Think about what you want to access.

Step 2

* Make your request directly to the organisation.
* State clearly what you want.

You might not want all of your medical record; you may just want a certain date range.

When making a subject access request, include the following information:

* Your name and contact details.
* Any information used by the organisation to identify or distinguish you from other people with the same name like your NHS number or date of Birth.
* Any details or relevant dates that will help it identify what you want.

Step 3

* Keep a copy of your request.
* Keep any proof of postage or delivery.

When to re-submit a request

You can ask an organisation for access more than once. However, it may be able to refuse access if your request is, as the law says, ‘manifestly unfounded or excessive’.

If you are thinking of resubmitting a request, you should think about whether:

* it is likely that your data has changed since your last request
* enough time has passed for it to be reasonable to request an update on
how your data is being used, or
* the organisation has changed its activities or processes recently.

What to do if you disagree with the outcome or remain dissatisfied

If you are unhappy with how the organisation has handled your request, you should first make a complaint to the organisation.

Having done so, if you remain dissatisfied you can make a [complaint to the ICO.](https://ico.org.uk/concerns/)

*Call our helpline on****0303 123 1113***

*Wycliffe House, Water Ln, Wilmslow SK9 5AF*

*refer to speak to us in a language other than English? Our service in partnership with Language Line provides interpretation and translations over the phone, catering for more than 140 languages. The service is confidential and free. Call the ICO helpline on 0303 123 1113, ask for an interpreter and the language you require.*

You can also seek to enforce your rights through the courts. If you decide to do this, we strongly advise that you seek independent legal advice first.

What organisations should do

If an organisation reasonably needs more information to help it find your data or identify you, it has to ask you for the information it needs. It can then wait until it has all the necessary information before dealing with your request.

When it responds to your request, the organisation should provide you with a copy of the records you request along with the organisations Privacy Notice. It may do this electronically. If you need your data in another format, you must ask if this is possible.

* You are also entitled to be told the following things:
* Who is using your data for?
* Who it is sharing your data with.
* Information on your rights to challenge the accuracy of your data, to have it deleted, or to object to its use.
* Your right to complain to the ICO.
* Information on where your data came from.
* Whether your data is used for profiling or automated decision making and how it is doing this.

When can the organisation say no?

An organisation may refuse your subject access request if your data includes information about another individual, except where:

* the other individual has agreed to the disclosure, or
* it is reasonable to provide you with this information without the other individual’s consent.

In deciding this, the organisation will have to balance your right to access your data against the other individual’s rights regarding their own information.

The organisation can also refuse your request if it is ‘manifestly unfounded or excessive’.

In any case the organisation will need to tell you and justify its decision. It should also let you know about your right to complain to the ICO, or through the
courts.

How long should the organisation take?

An organisation has 21 days to respond to your request. In certain circumstances it may need extra time to consider your request and can take up to an extra two months. If it is going to do this, it should let you know within one month that it needs more time and why.

Can the organisation charge a fee for this?

A copy of your personal data should be provided free. An organisation may charge for additional copies. It can only charge a fee if it thinks the request is ‘manifestly unfounded or excessive’. If so, it may ask for a reasonable fee for administrative costs associated with the request.